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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,573

02/25/2004

Henry E. Rogers

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1811

7590

02/13/2006

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EXAMINER

GAY, JENNIFER HAWKINS

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,573	<b>Applicant(s)</b> ROGERS ET AL.	
	<b>Examiner</b> Jennifer H. Gay	<b>Art Unit</b> 3672	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-7, 9, 10, 12, 13, 15-18, 20, 21, 23-27, 30, 32-34 and 36 is/are rejected.
- 7) ☒ Claim(s) 3, 8, 11, 14, 19, 22, 28, 29, 31 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/23/04, 4/25/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the labeling of the section line in Figure 2 is not in the proper format; all section lines must be labeled with Roman or Arabic numerals. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to because the abstract includes the implied phrase "The present invention is disclosed to". Correction is required. See MPEP § 608.01(b).
3. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The disclosure is objected to because of the following informalities: the section line label in the Brief Description of Figure 2 should be changed to correspond to the amended section line label.

Appropriate correction is required.

5. The use of the trademark WECO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 2, 4, 5, 7, 9, 10, 12, 13, 16-18, 20, 21, 23-25, 27, 30, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Heggem (US 1,935,027).

*Regarding claims 1, 16, 17, 33:* Heggem discloses a removable surface pack-off device that includes the following features:

- A housing (Figure 1) adapted to be mounted between the ends of an inner casing **11** and an outer casing **10** at the well surface.
- At least one fluid passage **17** disposed within the housing and being capable of passing fluid from a location outside the well to an annulus between the casings.

- A first pressure-activated seal **16** disposed between the inner casing and the housing.
- A second pressure-activated seal **16** disposed between the outer casing and the housing.

*Regarding claims 2, 18:* The first and second pressure-activated seals are not specifically disclosed as cup-type or lip seals but are disclosed as packing seals which are commonly lip seals.

*Regarding claims 4, 16, 24, 33:* The device includes a pair of retaining wings **27** mounted to an outer surface of the housing.

*Regarding claims 5, 16, 25, 33:* The device includes a pair of flanges **1** that are indirectly secured to an outer surface of the outer casing.

*Regarding claims 7, 27, 33:* The device includes a pair of retention bolts **4** mounted to the wings and flanges.

*Regarding claims 9, 20:* The first seal is located between an outer surface of the inner casing and an inner surface of the housing.

*Regarding claims 10, 21:* The second seal is located between an outer surface of the outer casing and an inner surface of the housing.

*Regarding claims 12, 23:* The first and second seals are held in place by a retaining nut **4**.

*Regarding claims 13, 30, 34:* The device includes an inlet connector **18** attached to the housing.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heggem in view of Bielstein (US 2,799,476).

Heggem discloses all of the limitations of the above claim(s) except for the flanges forming two halves of a clamp that is held together by a pair of bolts.

Bielstein discloses a device similar to that of Heggem. Bielstein further discloses two flanges that form two halves of a clamp that is held together by a pair of bolts (Figure 2).

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the device of Heggem so that the flanges formed two halves of a clamp that were held together by a pair of bolts as taught by Bielstein in order to have provided a means for forming the upper end of the housing while still allowing easy access to the internal portions of the housing for repair.

10. Claims 15, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heggem in view of Biffle (US 3,965,987).

Heggem discloses all of the limitations of the above claim(s) except for the device including an eye hook mounted on the top of the housing.

Biffle discloses a device similar to that of Heggem. Biffle further teaches an eye hook **52** located on top of the housing.

It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the device of Heggem to include an eye hook as taught by Biffle in order to have provided a means for hoisting the device onto and off of the casing strings.

#### ***Allowable Subject Matter***

11. Claims 3, 8, 11, 14, 19, 22, 28, 29, 31, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

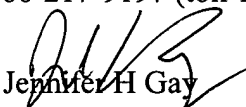
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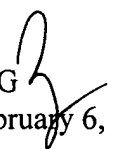
**Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer H. Gay whose telephone number is (571) 272-7029. The examiner can normally be reached on Monday-Thursday, 6:30-4:00 and Friday, 6:30-1:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jennifer H Gay  
Primary Examiner  
Art Unit 3672

JHG   
February 6, 2006